

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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KATHRYN FJELD,

Plaintiff,

Index No. 07-CV-10355 (CM)(HBP)

-against-

INTERNATIONAL BUSINESS MACHINES,  
INC., d/b/a IBM, ISOGON CORPORATION,  
TETRAGON, L.L.C., STEVEN BARRITZ, and  
ROBERT BARRITZ,

Defendants.

**NOTICE OF MOTION TO DISMISS  
OR, IN THE ALTERNATIVE, FOR  
A MORE DEFINITE STATEMENT**

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**PLEASE TAKE NOTICE**, that upon the annexed Declaration of Diane Krebs, dated November 26, 2007, the accompanying Memorandum of Law, and the exhibits annexed thereto, and upon all prior pleadings and proceedings herein, the undersigned will move this court, before the Honorable Colleen McMahon, at the courthouse located at 500 Pearl Street, New York, NY 10007 at a time to be determined by the Court, for an Order pursuant to Rule 12(b)(6) and Rule 12(e) of the Federal Rules of Civil Procedure, granting the motion of Defendants IBM and Isogon Corporation to dismiss the complaint or, in the alternative, for a more definite statement.

Dated: New York, New York  
November 26, 2007

Respectfully submitted,

GORDON & REES LLP



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